

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:06-CR-15-1BO

HENDERSON HINTON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

This matter is before the Court on Petitioner's self-titled "Motion for Order Directing Government or Trial Counsel to Provide Defendant with Subpoened S.B.I. File" and the Government's Motion to Dismiss. The Petitioner's Motion is DENIED and the Government's Motion is GRANTED.

Facts

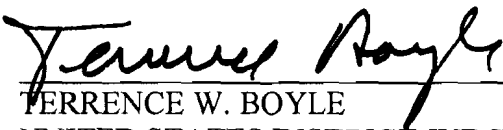
On December 12, 2007, a jury convicted the Petitioner of six counts related to committing bank robbery with a firearm. Petitioner is currently serving his sentence.

Petitioner states that before his arrest for bank robbery, a police officer shot him in the back. Petitioner argues that this was a Fourth Amendment violation, and he now seeks State Bureau of Investigation files regarding the shooting.

Discussion

The Petitioner is not entitled to relief. A defendant does not have a constitutional right to post-conviction discovery. District Attorney's Office for Third Judicial District v. Osborne, 129 S.Ct. 2308, 2315 (2009). Thus, the Petitioner's Motion is DENIED.

SO ORDERED, this 21 day of December, 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE